

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

PP1, et al.,

Case No. 1:18-cv-798

Plaintiffs,

Diott, J.

v.

Bowman, M.J.

MINFORD LOCAL SCHOOLS, et al.,

Defendants.

REPORT AND RECOMMENDATION

On February 3, 2020, the undersigned filed a Memorandum Order that granted the motion of counsel to withdraw from further representation of the plaintiffs identified in this case as PP10 and PS7. (Doc. 106). The grant of counsel's motion was conditional due in part to the failure of PP10 and PS7 to appear at the telephonic hearing held on the motion to withdraw, despite receiving notice and call-in instructions. At the hearing, counsel represented that based upon their last communication with their clients, it was counsel's belief that PP10 and PS7 no longer wish to participate in this lawsuit. Based upon that representation, the Court directed counsel to mail the Order to the last known address of PP10 and PS7 and to notify the Court of the date of mailing and the true name and address of the referenced plaintiffs. Counsel filed the requisite Notice under seal as directed. (Doc. 108). The Notice reflects that counsel mailed the Memorandum Order to their former clients at their last known residential address on February 5, 2020.

To confirm the presumed disinterest of PP10 and PS7 in continuing this litigation, the Memorandum Order directed PP10 and PS7 to file a written statement on or before February 28, 2020 to "SHOW CAUSE" for "the reasons they did not attend the telephonic

hearing held on January 30, 2020.” The Order also directed PP10 and PS7 to “confirm to this Court...whether they intend to continue prosecuting their claims in this case through new counsel or pro se. A failure by PP10 and PS7 to file a timely statement confirming their intention to continue prosecution will be construed as a failure to prosecute, and will result in issuance of a Report and Recommendation that all claims previously filed by PP10 and PS7 be DISMISSED.” (Doc. 6 at ¶¶2-3).

Neither PP10 nor PS7 have complied with the Court’s February 3, 2020 Order, and the time for doing so has long expired. Based upon the representations of counsel, plaintiffs’ failure to appear at the prior hearing, and their most recent failure to “show cause” for their failure to appear or to provide this Court with any indication that they wish to continue this litigation, PP10 and PS7 should be dismissed.

Accordingly, **IT IS RECOMMENDED THAT** the claims of PP10 and PS7 now be **DISMISSED** based upon their failure to prosecute. A copy of this Report and Recommendation, and of any Order adopting the R&R, should be mailed to PP10 and PS7 at the address filed in the Notice under seal by their former counsel. (See Doc. 108).

s/ Stephanie K. Bowman
Stephanie K. Bowman
United States Magistrate Judge

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NOTICE

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to this Report and Recommendation (“R&R”) within **FOURTEEN (14) DAYS** of the filing date of this R&R. That period may be extended further by the Court on timely motion by either side for an extension of time. All objections shall specify the portion(s) of the R&R objected to, and shall be accompanied by a memorandum of law in support of the objections. A party shall respond to an opponent’s objections within **FOURTEEN (14) DAYS** after being served with a copy of those objections. Failure to make objections in accordance with this procedure may forfeit rights on appeal. See *Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).